

BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of ARM 36.21.415, fee	)	AMENDMENT
schedule for water well contractors	)	
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

To: All Concerned Persons

1. On April 22, 2006, the Department of Natural Resources and Conservation proposes to amend ARM 36.21.415 which sets fees and the fee schedule for water well contractors.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 20, 2006, to advise us of the nature of the accommodation that you need. Please contact Laurence Siroky; P.O. Box 201601, Helena, MT 59620; telephone (406) 444-6816; fax (406) 444-0533; or e-mail [lsiroky@mt.gov](mailto:lsiroky@mt.gov).

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

36.21.415 Fee Schedule

(1) Application and examination	
(a) Contractors	\$300.00
(b) Drillers	250.00
(c) Monitoring well constructor	300.00
(2) Re-examination	
(a) Water well contractor	150.00
(b) Water well driller	125.00
(c) Monitoring well constructor	150.00
(3) Renewal	
(a) Contractor	<del>250.00</del> <u>270.00</u>
(b) Driller	<del>150.00</del> <u>170.00</u>
(c) Monitoring well constructor	<del>250.00</del> <u>270.00</u>
(d) Contractor/monitoring well constructor	<del>275.00</del> <u>295.00</u>
(e) Monitoring well constructor/water well driller	275.00
(f) Renewal – inactive (all licenses)	250.00
(g) <u>Apprentice water well driller registration</u>	<u>50.00</u>
<u>(i) The apprentice water well driller registration fee is transferable and may be credited to a driller's license application fee for the year it is paid.</u>	
(4) Late renewal	75.00

~~(a) (in addition to the renewal fee)~~ In addition to the renewal fee, a fee will be charged for any license not renewed prior to July 10.

(5) Duplicate license 50.00

(6) Copies of law and rules--per book 5.00

~~(drillers and contractors are exempt from fee)~~ (a) Drillers and contractors are exempt from the fee.

(7) Exemption permits 100.00

(8) Construction standard variance - inspection/follow-up 100.00

AUTH: 37-43-202, MCA

IMP: 37-43-202, 37-43-303, 37-43-305, and 37-43-307, MCA

4. REASONABLE NECESSITY: Pursuant to 37-43-202, MCA, describing the power and duties of the Board of Water Well Contractors, the board is required to set fees commensurate with costs. Based on an evaluation of program cost and revenues, an increase in fees is necessary. Two hundred thirty-one people will be affected with a total increase in revenue of \$6960.

5. Concerned persons may submit their data, views, or arguments concerning the proposed amendment in writing to Laurence Siroky, Water Operations Bureau Chief, 1424 9th Ave, Helena, MT 59620; telephone (406) 444-6816. Comments must be received no later than 5:00 p.m. on April 20, 2006.

6. If persons who are directly affected by the proposed amendment wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Laurence Siroky, 1424 9th Ave, Helena, MT 59620; telephone (406) 444-6816; or e-mail lsiroky@mt.gov. A written request for the hearing must be received no later than April 20, 2006.

7. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature, from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, the hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 25 persons based on the number of water well contractors in the state of Montana.

8. An electronic copy of this Notice of Proposed Amendment is available through the department's site on the World Wide Web at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of this Notice of Public Hearing on Proposed Amendment conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered.

9. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources or a combination thereof. Such written request may be mailed or delivered to Legal Unit, Department of Natural Resources and Conservation, P.O. Box 201601, 1625 11th Avenue, Helena, MT 59620-1601, faxed to the office at (406) 444-2684, or may be made by completing a request form at any rules hearing held by the agency.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

#### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

/s/ Mary Sexton  
MARY SEXTON  
Director, Natural Resources and Conservation

/s/ Fred Robinson  
FRED ROBINSON  
Rule Reviewer

Certified to the Secretary of State March 13, 2006.